

frequently said that our system of government is a practical adjustment by which the national authority may be maintained in its full scope without unnecessary loss of local efficiency." In keeping with this principle, numerous State cession statutes have retained to the State certain powers of taxation within ceded areas. The character and effect of these reserved taxing powers will be discussed in a subsequent chapter.

CHAPTER VII

TEMPORARY USE OF LAND BY THE UNITED STATES. MEANING OF "ACQUISITION" AS USED IN STATE CESSION STATUTES

45. Permanent use of land by Government contemplated by Art. I, Sec. 8, Cl. 17 of Constitution.—Art. I, Sec. 8, Cl. 17 of the Constitution contemplates the permanent use by the United States of land acquired with the consent of the States. Mere temporary use of the property by the Government, whether by lease or otherwise, does not comply with consent statutes which implement its provisions.

46. Jurisdiction not acquired over property leased by the United States.—In an early Federal case which involved the lease of land by the United States for one month with the privilege of using it for six months, the Court said, "The Constitution clearly implies the permanent use of the property purchased for the construction or erection of some of the structures designated, or some other needful building. It would be strange, indeed, if such an agreement for renting a piece of land to the United States should deprive the State of Ohio of all jurisdiction over it, and confer sole and exclusive jurisdiction to the United States."¹

The same rule has been followed in more recent decisions of the State courts. In an Alabama case² the Supreme Court of that State held that the State courts had jurisdiction to try a defendant charged with the commission of a crime within a post office situated on land which the United States occupied under lease, notwithstanding the existence, at the time the lease was entered into, of an Alabama statute authorizing the United States to "acquire and hold lands" for the construction of needful government buildings. In a Maryland case³ it was held that the zoning laws of the City of Baltimore were applicable to property leased by the United States for the purpose of a post office. The Court held, "it may be observed that the property is not owned by the United States; there is only a lease limited to ten years' duration, or the duration of appropriations for rentals, and the lessee

¹ *United States v. Tierney*, 28 Fed. Cas. No. 16,517.

² *Brooke v. State*, 155 Ala. 78; 46 So. 491.

³ *Mayor and City Council of Baltimore v. Linthicum*, 183 A. 531, 533.